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INCD-9 HIGHLIGHTS TUESDAY, 10 SEPTEMBER 1996

Delegates to the ninth session of the Intergovernmental Negotiating Committee on the Convention to Combat Desertification (INCD-9) continued to meet in two working groups. Working Group I discussed the Global Mechanism. Working Group II considered the draft rules of procedure of the Conference of the Parties.

WORKING GROUP I

GLOBAL MECHANISM: The Group considered the outstanding issues on the Global Mechanism during the morning and afternoon, although the afternoon meeting began late, to enable the regional groups to consult on the sticky points. With few amendments to the Secretariat's text, the Group reached consensus on all the issues except the first three paragraphs of the section on the GM's function of mobilizing and channelling resources.

Functions of the Global Mechanism: The two most difficult issues to resolve related to the mobilization and channelling of resources and the report to the COP on future funding.

The OECD countries proposed inserting "promote actions leading to" wherever the text referred to mobilize or channel financial resources (paragraph 4), and to delete subparagraph (c) on increasing the efficiency and effectiveness of existing financial resources. Otherwise, the OECD countries said the Group would be renegotiating the Convention because the GM should not have resources of its own. Some, including Senegal, disagreed saying denying it resources makes the CCD a second-rate convention. Mexico highlighted the need to distinguish between facilitation funds and funds to facilitate the activities of the GM. He suggested providing text for this later.

When the Group resumed discussion of the issue in the afternoon, Costa Rica, on behalf of the G-77 and China, said the Group's reluctant acceptance of the Secretariat's text demonstrated their flexibility. However, negotiations on the GM were a package and he requested placing the entire text on the GM in brackets. France, on behalf of the OECD countries, regretted the turn of events. She said although her group understands the need for resources, there should be no ambiguity in the text, which should

be in the letter and spirit of the Convention. She said the OECD countries had a new set of proposals on the section.

Under paragraph 4 (d)(ii) (use of indigenous knowledge and technologies) some OECD countries preferred "traditional" to "indigenous" knowledge, since it is a wider concept. Both words were included.

With respect to reports to the COP, the Group conceded that it should include an assessment of the future availability of funds, instead of stating "the likely future availability of funds" because the latter prejudices the content of the report.

The outstanding paragraph 3 (c) (facilitating cooperation and coordination) was resolved and now reads: "encourage and facilitate coordination, including through provision of information and other measures concerning relevant multiple-source funding...."

Criteria for selecting an institution to house the GM: In paragraph 1 (functional capacity) all subparagraphs were agreed to with minor amendments and rewording. The debate focused on the G-77 and China's three new proposals requiring the institution to demonstrate its capacity to: provide finance and/or facilitate the financing of research and the transfer, acquisition and adaptation of technology; deal with poverty eradication and development issues; and exhibit principles of transparency, neutrality and universality in its management and operations. With a few amendments, delegates agreed to include these criteria.

Closing Comments: The Chair expressed optimism as he adjourned the afternoon session early to facilitate informal negotiations on the section regarding the mobilization and channelling of financial resources. He said he would prepare a draft decision inviting the two institutions bidding to host the GM to update their offers, which would enable INCD-10 to choose one. The draft decision will request delegates to submit comments on the updated offers in time to enable the Secretariat to submit all documents by 28 October 1996 to meet UN requirements to translate and circulate the texts.

WORKING GROUP II

RULES OF PROCEDURE OF THE COP: The Working Group spent the morning and afternoon completing the reading of rules of procedure of the Conference of the Parties (COP) (A/AC.241/48/Rev.1).

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Conduct of business: During consideration of **Rule 39** (points of order) Benin, speaking on behalf of the G-77 and China and supported by the UK, suggested deleting the bracketed text noting that representatives may not, on a point of order, speak “simultaneously” on the substance. Delegates agreed.

In **Rule 41** (proposals and amendments to proposals) delegates agreed to keep the two bracketed references to consideration of “proposals” in addition to amendments to proposals. The issue of whether proposals discussed or put to the vote would have to be made available in all official languages attracted lengthy debate. It was finally agreed that they would be available in all official languages, with the amendment that proposals would need to be “translated and” circulated.

In **Rule 42** (communication of proposed amendment to Convention) the G-77 and China suggested replacing the bracketed text regarding communication six months before the session that an amendment is proposed for “review and” adoption with the following text: “discussion and consideration with a view to its adoption.” The UK objected, stating that the bracketed text should be deleted so as to replicate CCD language. Austria suggested that Rule 42 be deleted, since it repeats language in the Convention, and delegates agreed.

Voting: In **Rule 46** (voting rights), the G-77 and China supported the reference to an organization not exercising its right to vote if a member State votes, “and vice versa,” in order to reflect the Convention language. The UK suggested that the rule be deleted since it is in the Convention. Uganda supported retaining the rule, which was agreed in the same form as Article 32 of the Convention.

In **Rule 47** (majority required), delegates removed the brackets from the entire rule. The brackets in the first paragraph were retained, pending related decisions on financial rules. Delegates agreed to remove “two-thirds” majority required for overruling a President’s ruling. The G-77 and China suggested that if a vote is equally divided after the “third vote,” the proposal should be “regarded as withdrawn.” Delegates agreed it should be regarded as withdrawn, but after the “second vote.”

In **Rule 49** (division of proposals and amendments), the UK, supported by the US, preferred to delete the bracketed sentence limiting the time allowed to each speaker to five minutes. However, he could also consider accepting that the “President may rule” to limit time. The G-77 and China supported the original text. The Chair noted that the GA Rules of Conduct provide that the President may limit the time allowed for each speaker, and delegates agreed to the GA precedent.

In **Rule 52** (method of voting), the G-77 and China supported retaining bracketed text noting that “with the exception of elections of the Bureau of subsidiary bodies, voting shall be restricted to plenary meetings of the Conference of the Parties.” Austria suggested that the text be “subject to Rule 31” (election of officers) since the whole Bureau may not be elected in the subsidiary bodies. The UK suggested that the text be moved to the section on subsidiary bodies and stated that the real message of the text is that subsidiary bodies shall not vote. The G-77 and China expressed concern that if subsidiary bodies are authorized to vote, the COP could not call into question their decisions. The text, with the Austrian amendment, was retained and moved to become 31 *bis*. The G-77 and China proposed that the bracketed reference to voting order based on [English] alphabetical order be deleted. The US and UK preferred to specify a single language. Canada suggested that voting take place based on the order of ratification, beginning with the Party whose name is drawn by lot. The US

asked what the precedent of previous conventions has been, and the Chair noted it has been English. The G-77 and China stated that the decision is political and that English is imposed on others. France noted that the Canadian proposal was original. The Canadian proposal was bracketed along with the previously bracketed text. The G-77 and China, supported by the UK, proposed retaining the final bracketed sentence regarding secret ballots, which was agreed.

Elections: In **Rule 55** (absence of majority), delegates agreed that if, on the “second” ballot, the votes are equally divided, “the President shall decide between the candidates by drawing lots.”

Languages and sound records: In **Rule 57** (official languages), the G-77 and China proposed retaining reference to the six official UN languages. Japan expressed concern about the budgetary implications and suggested that subsidiary bodies reduce the need for translation as much as possible, but supported retaining reference to the six languages. The US also expressed concern with costs. The Chair noted that the issue is not yet resolved in other conventions and proposed that the brackets be deleted and he would work with Japan to incorporate their concerns.

In **Rule 59** (languages of official documents) brackets were retained around the sentence that says that the original text shall prevail if there is a difference between texts.

Amendments to rules of procedure (and status): The words “and status” were removed from the heading. In **Rule 61** (amendments) “by consensus” was moved to the end of the sentence. The paragraphs and headings were then reorganized. A new section XIV, “Overriding authority of the Convention,” was created. **Rule 63** (precedence of the Convention) was placed in section XIV, and amended to read “...conflict between any provision of the present rules and any provision...”. A section XV, called “Miscellaneous,” was also added, under which **Rule 62** (italicized headings) was placed. Rules 62 and 63 consequently traded places and numbers.

IN THE CORRIDORS

The suggestion by the G-77 and China in the afternoon to place the already negotiated text on the GM in brackets came as a surprise to many. Some delegates noted that there is confusion between the functions that the institution that houses the Global Mechanism is expected to play, and the functions the GM, which is not an institution itself, should play. Notwithstanding the sudden deadlock, delegations from the G-77 and China and the OECD countries still expect to find a solution at this session of the INCD.

THINGS TO LOOK FOR TODAY

PLENARY: The Plenary will meet in Conference Room 2 at 10:00 am and 3:00 pm to consider urgent action for Africa and interim measures, and the Secretariat’s responses to questions posed at the last Plenary regarding extrabudgetary funds.

INFORMAL GROUP: An informal group will meet from 6:30 to 8:30 pm to complete the outstanding issues on the Global Mechanism, administrative arrangements for the Permanent Secretariat and the financial rules.

DESIGNING A PARTICIPATORY APPROACH: UNSO, in collaboration with several institutions, will present a tool book on practical approaches to design a participatory approach at 1:30 pm in Conference Room 1.

PISTACHIOS: Pistachio nuts, a product from the drylands of Iran, will be available at the back of Conference Room 2 during the Plenary.